

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT DALE PEEK

Petitioner,

VS.

NATHANIEL QUARTERMAN, Director
Texas Department of Criminal Justice,
Correctional Institutions Division

Respondent.

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NO. 3-06-CV-1970-M


**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files and records in this case, and the Findings, Conclusions and Recommendation of the United States Magistrate Judge dated April 16, 2007, the Court finds that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. The Court notes that Petitioner objects to two statements in the Findings, Conclusions and Recommendation. First, Petitioner objects to the statement on page 4, line 16 of the Findings, that the family returned to Dallas after weeks, when it was actually days. Although the transcript is unclear, this Court's review of the transcripts causes it to conclude that they did return within a matter of days, but this fact is immaterial to the Findings, Conclusions and Recommendation. Second, Petitioner responds to page 9 of the Findings, wherein the Magistrate Judge noted that Petitioner did not identify the names of witnesses he claims should have been called, nor the content of their testimony. Petitioner cites to page 5, lines 22-24 of his petition, where he refers to an

unidentified “two doctors who would have testified I could not have been responsible for injuries.” That general reference is not sufficient to support a claim of ineffective assistance of counsel.

IT IS, THEREFORE, ORDERED that the Findings, Conclusions and Recommendation of the United States Magistrate Judge are accepted.

SO ORDERED this 23rd day of May, 2007.



Barbara M. G. Lynn
UNITED STATES DISTRICT JUDGE